

## **IN RESPIRATORY CARE COMMITTEE**

Meeting Minutes

January 8, 2021 at 8:00 a.m.

**\*\* HELD THROUGH TELEPHONIC AND VIDEO CONFERENCING\*\***

VIA TELEPHONE AT: 1-240-454-0887

MEETING CODE: 180 266 5102

OR BY VIDEO AT:

<https://indiana.webex.com/indiana/j.php?MTID=mc5a514061b93410db848d9154c64dc18>

### **CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Dave Burnworth called the meeting to order at 8:00 a.m. and declared a quorum in accordance with IC § 25-2.1-2-8.

#### **Committee Members Present:**

Dave Burnworth, R.C.P., Chairman

Patricia Ingle, R.C.P., Member

Gary Smith, R.C.P., Member

#### **State Officials Present:**

Rae Harman, Board Director

Claire Dyer, Deputy Attorney General

### **ADOPTION OF THE AGENDA**

A motion was made by Member Smith and seconded by Member Ingle to adopt the agenda.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

### **REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL**

April Keaton, Deputy Attorney General, provided the Committee with a report per IC 25-17-13. Ms. Keaton indicated that zero (0) consumer complaints are currently open, and three (3) litigation cases are currently open.

### **ADMINISTRATIVE HEARINGS**

Court Reporter: Margie Addington

#### **In the Matter of: Shirley Ann Lindsey, 30000605A**

Cause Number: 2019 RCC 0007

Re: Default Hearing

Ryan Eldridge, Deputy Attorney General, appeared on behalf of the State. The Respondent failed to appear, nor appearance of counsel on his behalf. Mr. Eldridge reminded the Committee that this is the third time Respondent has failed to appear. The State is asking that Respondent be found in default.

A motion was made by Member Smith and seconded by Member Ingle to find Respondent in default.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

Mr. Eldridge provided a history of this matter, which included that Respondent's license has been on Summary Suspension since 2019. The State entered Exhibit's A, B, C, and D, which was admitted into evidence by the Committee. The State provided evidence showing Respondent diverted a legend drug while she was a healthcare employee, Pharmacy Technician. She used her position of trust to access the legend drug. The State asked the Committee find Respondent in violation and suspend for at least 1-2 years or revocation if Respondent can't be rehabilitated.

A motion was made by Member Smith and seconded by Member Ingle to Revoke Respondent's license. The state has met the burden of proof in finding violation due to diversion and failure to appear before the Committee.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

**In the Matter of: Heidi Williams, 30002776A**

Cause Number: 2019 RCC 0004

Re: Order to Show Cause

April Keaton, Deputy Attorney General, appeared on behalf of the State of Indiana. Heidi Williams participated via telephone and waived her right to counsel. Ms. Keaton provided a history of this matter. Respondent's license was placed on indefinite probation in 2019 and the purpose of this hearing is to determine if her license should be summarily suspended or subjected to further sanctions.

Ms. Keaton called Respondent, Ms. Williams, as a witness in this matter. Ms. Keaton asked about Respondent's license probation. Ms. Williams explained that she requested in January 2020 to remove probation, but that request was denied. The Committee identified additional information that needed to be submitted in order for her to request to come off in a minimum of six months. Ms. Keaton asked Respondent about her sobriety. Respondent explained that after 6 months she did have a relapse in August of 2020. Her new sobriety date is October 9, 2020 and her previous sobriety date was August 21, 2018. Ms. Williams explained she doesn't have an excuse as to why she relapsed. She is, just like any other alcoholic that thought she could handle it and decided to socially drink again. She is currently in treatment, which included rehab for a month, then intensive outpatient, and now she is going to after care and attending AA meetings with a sponsor. She is still currently employed at Parkview Medical Regional Center and St. Joseph's Hospital. Ms. Williams explained that she took her TMC to get her RT, went back to college, prepared for over a year, and she passed. She is very proud of herself for how far she has come. The State will leave it to the discretion of the Committee to order any additional requirements, but recommended at least one year of sobriety, quarterly supervisor reports, and AA reports be satisfied in order to petition to withdraw probation.

A motion was made by Member Smith and seconded by Member Ingle to extend probationary terms: Respondent may petition to remove indefinite probation until 2 years of full sobriety, along with following terms : follow all laws and rules, keep Committee apprised of current address/contact info, number of hours week, quarterly employer reports, AA- 2 weeks and submit quarterly reports of attendance, immediately notify of any relapse, standing order from physician 30 days from date of order, random monthly drug/alcohol screen for 2<sup>nd</sup> year, and 1<sup>st</sup> year, EAP random results submit on quarterly basis, personal appearance if requested , self-reports quarterly, failure to comply with these terms may result in order to show cause.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

**In the Matter of: Chad Parrett, 30009394A**

Cause Number: 2019 RCC 0003

Re: Petition to Withdraw Probation

Chad Parrett participated via telephone and waived his right to counsel. April Keaton, Deputy Attorney General, appeared on behalf of the State of Indiana. Ms. Keaton read the history and terms of this matter. Mr. Parrett explained that he completed his pre-trial diversion program and never wants to put himself in this situation again. Mr. Parrett believed he submitted all documents. Ms. Keaton covered the reporting items to ensure all requirements had been met. Mr. Parrett asked that the Committee withdraw probation. The State's closing explained that the Committee may withdraw or modify if the deficiency has been remedied and the State has no objection to probation being withdrawn.

A motion was made by Member Ingle and seconded by Member Smith to withdraw probation for Chad Parrett's license.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

**In the Matter of: Julie Savage, 30001345A**

Cause Number: 2018 RCC 0002

Re: Petition to Withdraw Probation

Julie Savage appeared via telephone and waived her right to counsel. April Keaton, Deputy Attorney General, appeared on behalf of the State of Indiana. Ms. Keaton read the history and terms of this matter. Ms. Keaton explained Petitioner's license was placed on probation in 2018, due to her working on an expired license since 2014. Ms. Savage explained that she has completed her probation terms, which included 2 education presentations, and CEU's. She realized this was a horrible mistake and has learned her lesson. Member Smith asked about the content of her presentations. The State's closing

explained that the Committee may withdraw or modify if the deficiency has been remedied and the State has no objection to withdrawal of probation based upon submitted items and testimony.

A motion was made by Member Smith and seconded by Member Ingle to deny petition and order that probation continue with the following terms: corrections are made to the PowerPoint presentation, submitted to Chair Burnworth for pre-approval, approved presentation then submitted to Tina Hawkins to contact students, once these terms are completed, she may petition to withdraw probation and no other terms need to continue. 3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

## **PERSONAL APPEARANCES**

### **Albert Gurchiek, Jr. – Renewal**

Albert Gurchiek, Jr. participated via video to answer questions and concerns. Mr. Gurchiek answered “yes” to question #3 on his renewal application. He was arrested on February 14, 2020. Mr. Gurchiek explained that he went to a furniture store to get a refund and the manager called the police. The store manager informed police that he had a gun and hostages. Mr. Gurchiek explained that he didn’t have a gun or have hostages and was just standing at the counter waiting to make a police report because the furniture wasn’t delivered or refunded. He will be finished with pre-trial diversion program for the noise complaint on January 28<sup>th</sup>, 2021. He did this agreement because he didn’t have the money to go to trial and didn’t want to lose his license. He will ask for expungement in this matter once pre-trial deferment program is complete. Mr. Gurchiek indicated that he may have spoken loud at the counter, but he didn’t threaten anyone.

A motion was made by Member Ingle and seconded by Member Smith to order indefinite probation with no right to petition until completion of his criminal obligation and submit proof of completion, keep Committee apprised of contact and employment information, and follow statutes and rules.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

### **Erik Smith – Renewal**

Erik Smith participated via telephone to answer questions and concerns. Mr. Smith answered “yes” to question #3 on his renewal application. He explained that he took a prescription, Ambien, then drove and wrecked. He was arrested and charged with reckless driving. Mr. Smith got out of the car at time of accident, then got back in his car and drove home. The police arrived at his home fifteen minutes later. He was asleep and doesn’t recall any of this happening. Mr. Smith only knows what his girlfriend told him because she was with him. He woke up once he was in jail. He explained that was terminated in April 2019 but didn’t report that on his renewal application.

A motion was made by Member Ingle and seconded by Member Smith to order indefinite probation with no right to petition for two years, to provide proof of termination and

documentation, comprised of contact/employment information, no violation of statutes and rules.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

#### **Robert Weaver – Renewal**

Robert Weaver participated via telephone to answer questions and concerns. Mr. Weaver answered “yes” to question #4 on his renewal application. He explained that it was a legal separation on June 19, 2017 and he had worked at Hendricks Regional Health for twenty-nine years. He indicated that this was the only incident and was a managerial matter. He explained that it wasn’t related to clinical, but his employer didn’t delineate the reason why he was terminated. He explained that he was trying to save employee jobs and possibly administration didn’t agree with those decisions. Mr. Weaver is currently doing home healthcare with Apria since September 2019.

A motion was made by Member Smith and seconded by Member Ingle to grant this renewal.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

#### **Kayla Putt – Renewal**

Kayla Putt participated via telephone to answer questions and concerns. Ms. Putt answered “yes” to question #3. She was arrested in Florida and charged with disorderly conduct for falling asleep on the beach. She was intoxicated and was woke up by a police officer. She doesn’t believe she passed out, but instead believed she was tired from the trip. She worked at IU health from 2017 until she put in her resignation in June 2020 to be a travel RCP. All that was required was payment of a fine, which has been completed.

A motion was made by Member Smith and seconded by Member Ingle to grant this renewal.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

#### **Erin Shepherd – Renewal**

Erin Shepherd participated via telephone to answer questions and concerns. Ms. Shepherd answered “yes” to question #3 on her renewal application. She had recently been through a divorce and her boyfriend was abusive. The boyfriend was intoxicated and shattered her window, so they got in an altercation. The charges were dropped down to disorderly conduct once she completed the diversion program in March 2020. She has never been in trouble before and has four children. She works for Ball Memorial and has no discipline issues with employer.

A motion was made by Member Ingle and seconded by Member Smith to grant this renewal.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

**Halley Wood – Renewal**

Halley Wood participated via video to answer questions and concerns. Ms. Wood answered “yes” to question #3 on her renewal application. In February 2019, she was pulled over for having her bright lights on and was convicted of O.W.I., B.A.C. .0875%. She served seven months on probation, completed community service, and a safe driver class. She was pulled over in October 2020 but hasn’t been convicted. She doesn’t believe that she has a drinking problem and only drinks on occasion. Since she has been arrested the second time, she has not had any alcohol.

A motion was made by Chair Burnworth and seconded by Member Smith to approve this renewal on indefinite probation with no right to petition for two years, including the following terms: employer reports every six months, standing order for random drug tests quarterly, personal appearance when requested, self-reports every six months, keep Committee apprised of contact and employment information, and shall provide final disposition of criminal matter.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

**Shelby Wilkinson – Renewal**

Shelby Wilkinson participated via video to answer questions and concerns. Ms. Wilkinson answered “yes” to question #5. The incident occurred in June 2020 when she was working in an isolation room. A nurse came into the room and told her that another nurse was having an allergic reaction. The nurse informed her that the Doctor said it was alright for her to pull the medication. At that time, she pulled the medication, treated the nurse, and charted under the patient’s name. A couple days later she was suspended from June until July. Ms. Wilkinson knows this was wrong and she will never do this again. She had only been an RCP for 2 years when this incident occurred.

A motion was made by Member Smith and seconded by Member Ingle to approve this renewal on indefinite probation with no right to petition for 1 year/, including the following terms: follow statutes and rules, keep Committee apprised of contact and employer information, submit 1 employer report, personal appearances as requested, complete three hours of Ethics (AARC course) and submit proof, and petition only once she has completed all terms.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

**Stanley Wilder -Renewal**

Stanley Wilder participated via telephone to answer questions and concerns. Mr. Wilder answered “yes” to question #1 on his renewal application. Mr. Wilder worked at St. Jude hospital out of state and holds multiple state licenses, because he travels with his job. In Maryland 2015 they didn’t require a criminal background check at time of application, but then at time of renewal it asked a new question. He received the Maryland license and moved during that time. The state of Maryland tried to contact him via mail, but he

never received anything. Mr. Wilder doesn't have a criminal record, so he doesn't have anything to hide. The state of Maryland fined him \$500 and nothing else was done. A consultant with the company filled out his renewal, which started the process. He holds eight to ten licenses and this is the only thing that has ever happened.

A motion was made by Member Ingle and seconded by Member Smith to grant this renewal.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

### **Scott Daugherty – Renewal**

Scott Daugherty participated via telephone to answer questions and concerns. Mr. Daugherty answered "yes" to question #3 on his renewal application. He got into an altercation with roommate. Mr. Daugherty asked the roommate to leave his home and he refused. When he told him that he was going to evict him, the roommate tore up televisions, the bathroom and other rooms of the house while he was gone at work. The roommate busted down his door and hit him with something, so he hit him with his cane and was arrested. His probation expires on January 29<sup>th</sup> and he has completed twenty-six sessions of domestic violence class. Mr. Daugherty has worked at Ascension St. Vincent Hospital for 13 years. They are aware of this case and no action was taken at work.

A motion was made by Member Smith and seconded by Member Ingle to grant renewal.  
0-0-3, Motion failed.

A motion was made by Member Ingle and seconded Member Smith to approve this renewal on indefinite probation with no right to petition until successful completion of criminal matter with the following terms: follow statutes and rules, keep committee apprised of any changes in contact or employment information; and submit proof of completion of the diversion program.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

### **Julia Durchholz – Renewal**

Julia Durchholz participated via telephone to answer questions and concerns. Ms. Durchholz answered "yes" to question #3 on her renewal application. She appeared before the Committee in 2016 at time of renewal and that one was dismissed. She had an O.W.I. in 2017 and was arrested again in April 2019, as well as August 2019. She has been entered into a drunk driving program. If she completes the program successfully, then it will be dropped to one charge, O.W.I., class C misdemeanor. Ms. Durchholz explained that she never put her patients in jeopardy. She admitted that she has a drinking problem and has been working very hard to remain sober. She was a functioning alcoholic for three years, but never went to work impaired. She has now been sober for seventeen months.

A motion was made by Member Smith and seconded by Member Ingle to approve this renewal on indefinite probation for 2 years with the following terms: quarterly employer

reports, AA meetings – 2 per week shall submit quarterly reports of her attendance, immediately notify Committee of relapse, no controlled substance unless prescribed, standing order, personal appearances if requested, quarterly personal reports, proof of completion of criminal matter.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

#### **Daeshua Reese – Renewal**

Daeshua Reese participated via telephone to answer questions and concerns. Mr. Reese answered “yes” to question #3 on his renewal application. He was pulled over for tailing a semi-truck, but he was only trying to get over before he missed the exit. He told the officer that he had a weapon under the seat, and it wasn’t loaded. Mr. Reese’s younger brother, sister, and a friend were riding in the car. After searching the car, marijuana was found in the backseat around the area where the family friend was sitting. The amount was not enough for jail time, but he did take the charge. He was placed on probation for a year, paid court fees \$994, and was issued a citation. Mr. Reese has been employed at St. Vincent’s Hospital – Indianapolis since 2017.

A motion was made by Member Ingle and seconded by Member Smith to grant this renewal.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

#### **Gary Osborn – Renewal**

Gary Osborn failed to appear, so this application was tabled.

#### **Jennifer Delhaye – Initial Application**

Jennifer Delhaye appeared via telephone to answer questions and concerns. Ms. Delhaye failure to disclose a criminal matter on her initial application. In 2014 she was attending a meeting at her son’s school with her ex-husband. She was following him to their house for a Christmas tree and he accelerated then slammed on his breaks. She hit his car and didn’t have insurance, so he called the police. She got her court dates mixed up by one day. She went to the court as soon as she realized the mistake, then they arrested her again. She believed that her driver’s license had been suspended when she was younger, because she had quite a few driving tickets for speeding. She reported that her driving incidents were never related to drinking or drugs.

A motion was made by Member Smith and seconded by Member Ingle to approve this initial application.

3-0-0, Motion carried.

Voting in favor: Dave Burnworth, Patricia Ingle, and Gary Smith

#### **Amy Kelley – Reinstatement**



Amy Kelley appeared via telephone to answer questions and concerns. Ms. Kelley answered "yes" to question 3 on her reinstatement application. She was living in car at one point, then when she moved into a motel. She was arrested because they found medication smashed up on her car floor. It was a prescribed medication for her son that had been stored in the glove box. She is very eager to go back to work and hasn't worked in the field since 2015. She has kept up on her education and reading.

A motion was made by Member Smith and seconded by Member Ingle to grant this reinstatement contingent upon successful completion of the CRT within 6 months.  
2-0-1, Motion carried.

Voting in favor: Dave Burnworth and Gary Smith

Voting in opposition: Patricia Ingle

#### **Becky Warren – Reinstatement**

Becky Warren failed to appear, so this application was tabled.

#### **ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana Respiratory Care Committee adjourned at 3:45p.m.



Dave Burnworth, Chair

4/30/21

Date

